

## E. Texas legal experts weigh new indigent defense system

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By Holly Gonzalez



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TYLER, TX (KLTV) - A big change in one Texas county's indigent defense program could mean better representation for those who can't afford an attorney and a more efficient court system. Comal County in Central Texas is the first in the nation to adopt a program allowing defendants to choose an attorney rather than be appointed one.

"A person accused of a criminal offense in Texas and any other state is entitled to quality representation," says criminal defense attorney Mitch Adams.

Adams says when he's appointed to an indigent defendant, they may feel uneasy.

"They have the perception that their court appointed counsel, because the court has appointed them, that that attorney somehow is affiliated with the county or with the state that's prosecuting them. There can be a level of distrust there," he says.

Defense attorney Bobby Mims says that distrust may be what sparked Comal County's pilot program, allowing indigent defendants to choose their attorney from a pool of prequalified lawyers.

"The theory of those that support the program is, we're going to have more satisfied defendants. They're going to be able to hire their own lawyer, so therefore they should be better pleased with their outcome," he says.

Smith County, like most Texas counties, uses both contract attorneys and a wheel system where judges appoint lawyers on a rotation. So, defendants don't have a say in who represents them. Adams says the new pool system could push attorneys to earn an indigent defendant's business.

"I think that it's going to primarily boil down to a lawyer's reputation. Believe me, lawyers have reputations in the county detention centers and places like that," he says.

But Mims says that type of arrangement is still vulnerable to flaws.

"Then you get those lawyers that we call dump truck lawyers that just do it for the money. They plead the guy and move him on. He's not looking to defend that guy. He's looking to move that case," he says.

"It's a very interesting idea and I'm sure just about every criminal defense lawyer in Texas and throughout the country will be following Comal County and how this works out," says Adams.

The program in Comal County is expected to begin next week. It will be tested for one year to determine whether it will be adopted in other counties.

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